THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 2483 of 2005

Date: 17.02.2006

Between:

The Member Secretary (now re-designated),

Chairman & Managing Director,

A.P.Transcro Ltd., Vidyut Soudha,

Somajiguda, Hyderabad and others.

…. Appellants

and

Smt. Anasuya

…. Respondent.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

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–

W.A.No. 2483 of 2005

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard Sri Samineni Kishore, the learned counsel appearing for the appellants, and also Sri Krishna Murthy Attivilli, the learned counsel for the respondent.

The appellant is the employer, who seeks to assail the order dated 29.08.2995 passed by the learned Single Judge allowing W.P.17198 of 1998 filed at the instance of the respondent herein, who is an employee appointed as part-time sweeper on compassionate grounds in view of death of her husband.

In the writ petition, the respondent herein sought a *mandamus* as against the inaction on the part of the appellants in not absorbing her in the post of full-time sweeper, even though she had been appointed long time back and working as such.

There is no dispute as to the fact that the husband of the respondent was an employee, who died on 24.05.1973 in harness and thereafter the respondent, being the wife of the deceased employee, was appointed as per the proceedings dated 25.08.1973. Since then, she has been working as a contingent sweeper and she is being paid the remuneration at the rate of Rs.400/- per month. Complaining that she has not been given the minimum time scale of pay as attached to the post of full-time sweeper, and that despite submitting several representations from 16.04.1974 onwards, her case remained un-considered, she filed the writ petition.

In the writ petition, the main objection raised on behalf of the appellants was that at the relevant point of time, there was no such scheme for appointment on compassionate grounds and therefore the respondent has absolutely no enforceable right to seek any such continuance in the said post.

After appreciation of the contentions put forward by the learned counsel on either side, the learned Single Judge, while recording a finding that there is no such scheme, as contended on behalf of the appellant, and the fact remains that the respondent was appointed on humanitarian grounds since her husband, who was an employee, died in harness and that especially having regard to lapse of 32 long years service, any interdiction, at this stage, would not be sustainable, directed that the case of the respondent herein be considered for

absorption of her services as full time sweeper with effect from 04.02.1989 with all consequential notional benefits.

Having heard the learned counsel on either side and having perused the material available on record, we are in entire agreement with the findings as arrived at by the learned Single Judge, especially having regard to the fact that the respondent's husband, who was an employee, died in harness and it is only on that the appellants themselves have appointed her on humanitarian and compassionate grounds.

Be that as it may, the fact remains that the hand of humanity with compassion was extended to the respondent more so when she lost a bread winner. Further, the fact that remains undisputed is that she having been appointed on compassionate grounds has been serving the department for about more than 32 years and she has been discharging her duties as such to the utmost satisfaction of the authorities concerned.

It is also to be taken note of the fact that even immediately after her appointment, a similar such scheme was introduced for appointment on compassionate grounds and the same can as well be extended to the respondent.

In that view of the matter, we do not find any warranting grounds to interfere with the order under appeal.

The writ appeal is, therefore, dismissed. There shall be no order as to costs.

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(B.PRAKASH RAO.J)

(D. APPA RAO.J)

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Dt.17.02.2006